

Coram: S.K.Keshote, J.

( 19th January 1996 )

Order

Shri Madhosinh N. Bora, the petitioner, is present. He was called upon to make his submission in this writ petition. He has also been informed that in case he wants assistance of some counsel he may take such assistance. He has stated that he does not want any such assistance.

I have gone through the contents of the petition. The petitioner has admittedly constructed his own house after taking loan from the government and he has let out the said house though may be to his own relatives. It is clearly a misuse of government loan. There is already scarcity of government accommodation and many government servants are not getting government accommodation. It appears that the petitioner does want to continue in possession of the government accommodation which was allotted to him even after construction of his own house. From the writ petition it comes out that the petitioner has raised two grounds. Firstly, he stated that the house which has been constructed by him is at a far distance. So far as this contention is concerned it has no force. He has constructed his house admittedly after taking loan and in such case it is expected of him to shift to the same. The second contention made is that many other government servants who have constructed their house are allowed to continue in government accommodation and no action is taken against them. I find no substance in this contention mainly because some illegal decision has been taken in the case of other persons or no action has been taken against those persons, however, that will not give any ground of discrimination to the petitioner. The petitioner has to stand on his own case. Apart from this, in case this Court allows the petition on this ground, it will amount to allowing the respondent to do another illegality. This Court sitting under Article 226 of the Constitution of India cannot allow the respondent to perpetuate any illegality. The decision taken in the case of other government servants may be illegal but it is rather in consonance with the sound legal principle to decide the case of the petitioner and not to give any decision in the matter of the persons who are not before this Court. In this context, a reference deserves to be made to the decision of the Supreme Court in the case of

CHANDIGARH ADMINISTRATION v. JAGDISHSINGH reported in  
1995 (1) Supreme Court Cases at page 745.

In the result, this writ petition fails and the  
same is dismissed. Rule is discharged. The ad-intrim  
stay order passed by this court stands vacated. No order  
as to costs.

19th January 1995

( S.K.Keshote, J.)